

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TUCKER AUTO-MATION HOLDINGS)
USA, LLC,)
Plaintiff,)
vs) Civil Action No. 15-777
STEPHEN HORNIACEK and)
DOOTRONIX, INC.,)
Defendants.)

MEMORANDUM ORDER

On June 12, 2015, Plaintiff, Tucker Auto-Mation Holdings USA, LLC, commenced the above-captioned action against Defendants, Stephen Horniacek and Doortronix, Inc., predicated on subject matter jurisdiction on diversity of citizenship, 28 U.S.C. § 1332. However, Plaintiff alleges that it is “a U.S. manufacturer of automatic and manual door systems with an address at 1081 Third Street, Building 4, North Versailles, Allegheny County, Pennsylvania 15137” (Compl. ¶ 4), Defendant Stephen Horniacek is alleged to be “an adult individual residing at 125 Witt Lane, Butler County, Pennsylvania” (Compl. ¶ 5), and Defendant Doortronix, Inc. is alleged to be “a U.S. manufacturer of automatic and manual door systems and, upon information and belief, has its principal place of business at 181 East Jamaica Ave., Valley Stream, NY 11580” (Compl. ¶ 6.) Thus, the Complaint, as written, does not provide a basis for diversity jurisdiction because it does not indicate Plaintiff’s citizenship at all, it does not list Doortronix’s state of incorporation and what little information is provided suggests that diversity does not exist.

In addition, Plaintiff is alleged to be a Limited Liability Company (“LLC”). “[T]he citizenship of an LLC is determined by the citizenship of its members.” Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 419-20 (3d Cir. 2010). In addition, where one of the

members of the LLC named in the complaint is also an LLC, the citizenship of that LLC's members must also be traced to determine the citizenship of the LLC named in the complaint. *Id.* at 420 (citation omitted). Plaintiff's complaint fails to allege the citizenship of the members of an LLC. Therefore, Plaintiff has failed to establish this Court's subject matter jurisdiction over this action.

AND NOW, this 15th day of June, 2015,

IT IS HEREBY ORDERED that, on or before June 29, 2015, Plaintiff shall file an amended complaint that sets forth sufficient factual allegations to establish diversity of citizenship among the parties. Failure to comply with this Order may result in the dismissal of the action.

s/Robert C. Mitchell
ROBERT C. MITCHELL
United States Magistrate Judge